Supreme Court, U.S
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Case No. _____

IN THE SUPREME COURT FOR THE UNITED STATES OF AMERICA

October term, 1993

DOBEA COGSIAASOT ROTUOTSOA

Petitioner

v.

CITY OF MUKILTEO

Respondent

Petition for Writ of Certiorari to the Washington State Supreme Court

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PETITION FOR WRIT OF CERTIORARI

DOBEA COGSIAASOT ROTUOTSOA,
Petitioner In Propria Persona
c/o 12 S.W. Everett Mall Way
Everett, Washington State 98204
Tel. No. (206) 348-7467

55 pp

QUESTIONS PRESENTED

(1) [a] Did the Superior Court of Washington State err when it condoned and upheld procedures in a District Court which allow proceedings to commence without showing of in personam jurisdiction over the accused party when the existence of such jurisdiction is challenged by the accused?

[b] "Is it unlawful" or "is there a basis in law" for an Article I legislative tribunal, i.e. Superior Court/District Court of the State of Washington **(corporate form)**, to rule on the status of a non-resident individual who does not inhabit the state of the forum?

(2) [a] Did the Superior Court of Washington State err when it interpreted the Court Rules, promulgated by the Supreme Court, regarding mandates of performance upon lower court personnel, to mean differently than the non-ambiguous, mandatory and explicit wording/language used in the Court Rule itself?

[b] Shall a Superior Court legally interpret a State statute requiring mandates upon police officers and jail personnel, to mean differently than the non-ambiguous, mandatory and explicit wording/language used in the Statute itself?

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PARTIES TO THE PROCEEDING

Parties to this proceeding, as noted in the caption of the case are:

DOBEA COGSIAASOT ROTUOTSOA,
In Propria Persona, Petitioner

v.

CITY OF MUKILTEO,
A Municipal Corporation, Respondent.

Party whose judgement is sought to be reviewed would include:

Joseph A. Thibodeau of the Superior Court of Washington State in and for the County of Snohomish.

OPINIONS BELOW

The Washington State District Court (Everett Division) brought a criminal action against Petitioner from which such court-rule-required mandatory procedures were not adhered to nor followed by said court to the detriment of the Petitioner's rights. The Washington State Superior Court, located in Snohomish County, upheld the ruling of the trial court in a memorandum opinion issued February 22, 1993, which is set forth in the Appendix at Exhibit A.

The Washington State Court of Appeals (Division I) denied review on June 7, 1993, which is set forth in the Appendix at Exhibit F. The Washington State Court of Appeals (Division I) denied a motion to modify on July 26, 1993, which is set forth in the Appendix at Exhibit G.

The Washington State Supreme Court denied discretionary review, through a Commissioner's ruling, on November 8, 1993, which is set forth in the Appendix at Exhibit H. The Washington State Supreme Court denied a motion to modify on January 5, 1994, which is set forth in the Appendix at Exhibit I.

JURISDICTION

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1651(a). The Snohomish County Superior Court has upheld a decision away from the accepted and usual course of judicial proceedings by sanctioning a departure from law by a state district court, as to call for an exercise of The Supreme Court's power of supervision.

CONSTITUTIONAL PROVISIONS INVOLVED

Article 1 Bill of Rights

"Congress shall make no law respecting an establishment of religion, ... ; or .... the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Article 5 Bill of Rights

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, ... ; nor shall be compelled in

any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; ... "

STATEMENT OF THE CASE

Petitioner brought a petition for Writ of Certiorari in the Snohomish County Superior Court interlocking Snohomish County District Court proceedings prior to trial.

In the petition, Petitioner alleged that he was being unlawfully prosecuted in violation of his right to due process of law stipulated by, and protected from usurpation by, the Constitution for the United States and the Constitution for Washington State.

Superior Court Judge Joseph A. Thibodeau issued a memorandum decision which negated petitioner's allegations of actions by the District Court contrary to court rules and statutory law, but failed to address the status of the Petitioner relative to the corporate government.

Petitioner sought review of the Superior Court's decision but was denied such review by commissioners of both the Washington State Court of Appeals and Washington State Supreme Court. Further, Motions to Modify Commissioner's rulings were denied by judges of both aforementioned courts.

STATEMENT OF FACTS

February 2, 1992 0916 hours Petitioner was forced to sign and accept a "Washington Uniform Notice of Infraction", charging "no proof of liability insurance" and "failure to display plates or tabs" and a "Washington Uniform Citation" charging "no valid drivers license" and "failure to transfer registration".

February 2, 1992 0945 hours Petitioner's automobile was impounded at direction of the Mukilteo Police officer and retrieved by Petitioner at 1145 hours.

February 6, 1992 Petitioner received an unsigned defective summons in the mail.

February 7, 1992 Petitioner returned the unsigned defective summons by personal messenger with a letter to Eaden, Lois A., of the Everett District Court.

February 11, 1992 Petitioner requested a hearing on the impound.

February 14, 1992 Petitioner responded as directed to the "Washington Uniform Notice of Infraction" in writing.

February 18, 1992 Everett District Court Department 2 ordered a bench warrant issued because Petitioner did not appear for arraignment.

March 20, 1992 Petitioner appeared for the infraction hearing in Department 3. The court continued this hearing until April 22, 1992 and informed Petitioner that the court Department 2 had issued a warrant for his arrest.

March 23, 1992 Petitioner spoke with Eaden, Lois A. imploring her to issue a lawful summons so the arrest warrant could be quashed and Petitioner appear lawfully. Eaden, Lois A. refused and reduced her refusal to writing.

April 20, 1992 1130 hours Everett police arrested Petitioner in the Everett Municipal court building.

April 20, 1992 1320 hours Required bail of $245 was paid by a friend of Petitioner but Petitioner was not released.

April 20, 1992 1500 hours Petitioner could have appeared, in front of a TV camera, to Everett District

Court but this was not done.

April 21, 1992 1500 hours Petitioner was taken to a room in the Snohomish County Corrections Facility where a jail official appealed, via a television, to the judge of Everett District Court Department 2 to force Petitioner to complete their "booking process". Petitioner was not allowed in front of the TV.

April 21, 1992 1600 hours (approx.) Petitioner submitted to "Booking", under duress, with threat of perpetual solitary confinement if he did not.

April 21, 1992 1730 hours Petitioner was released from jail without ever seeing the arrest warrant and given a date of May 1, 1992, by the jail staff, to appear in court for arraignment.

April 22, 1992 1100 hours Petitioner appeared in Everett District Court Department 3 for Contested infraction hearing. This matter was continued, to be heard after the trial in the criminal charges, transferred to Department 2 and set for July 6, 1992.

May 1, 1992 Petitioner appeared in Department 2 for arraignment. Plea of not guilty was entered for Petitioner by a Pro Tem Judge. Pre-Trial hearing set for

June 26, 1992. Trial set for July 6, 1992.

May 1, 1992 Petitioner filed a letter with Everett District Court, to the attention of Eaden, Lois A., pointing out errors in the court docket which reflect incorrect sequence of events and requested they be corrected. The court has refused to do so as of 7/27/1992 4:55 PM with the exception of removing data reflecting an expired Washington Drivers License.

June 26, 1992 Petitioner appeared for Pre-Trial hearing. Petitioner noticed for dismissal, was told by the court that this hearing was only to confirm trial and it was confirmed.

July 1, 1992 Six notices to abate or dismiss filed by Petitioner were heard in Everett District Court Division 2. One was amended upon request of the prosecutor, three were denied and two were deferred for further evidence to be supplied by Petitioner. Bail was exonerated at request of Petitioner. Trial was continued on the motion of the City to August 17, 1992. Petitioner refused to sign a speedy trial waiver stating that the court was in violation of that rule.

July 6, 1992 Petitioner appeared for the contested

infraction hearing and the impound hearing which were still on the court calendar. Neither the court nor the Prosecutor were ready for the hearings, so they were continued to August 17, 1992. The court denied the two motions which were deferred on July 1, 1992.

July 9, 1992 Petitioner filed a notice of objection to the trial date and requested it be noted on a motion calendar to be heard.

July 14, 1992 Petitioner checked the motion calendar for July 15, 1992 to find that he was not on the calendar to have his notice of objection to the trial date heard. Petitioner requested a copy of the local court rules and was told there was none.

July 20, 1992 Petitioner checked the motion calendar for July 22, 1992 and was not listed for hearing on his notice. Petitioner inquired of a clerk as to why he was not listed and was told that it would not be done. Petitioner obtained a copy of the court docket and found that his notice of objection had been referred to Judge Kelly.

July 28,1992 Petitioner checked the motion calendar for July 29, 1992 and was not listed for hearing

on his notice of objection to the trial date.

August 4, 1992 Petitioner checked the motion calendar for August 5, 1992 and was not listed for hearing on his notice of objection to the trial date.

August 11, 1992 Petitioner checked the motion calendar for August 12, 1992 and again was not listed for hearing on his notice. Petitioner filed a common law certiorari in Superior Court to show cause why the writ should not be granted and the action be stayed in the District Court. Superior Court signed the order and set the show cause hearing for August 14, 1992 in Presiding.

August 14, 1992 Show Cause Hearing held and Writ of Review granted with 45 days (September 28, 1992) for Petitioner's brief and 30 days (October 28, 1992) for Respondent's brief. No date given for Petitioner's reply brief.

September 28, 1992 Petitioner served and filed his brief timely.

October 28, 1992 Respondent served and filed his brief timely.

December 9, 1992 Petitioner served and filed reply brief timely.

December 21, 1992 Oral argument was held in Superior Court.

February 22, 1993 Superior Court rendered its Memorandum Decision.

March 3, 1993 Respondent served and filed Presentation of Order Quashing Writ And Remanding To District Court For Trial.

March 8, 1993 Petitioner served and filed (1) Request For Consideration of Petitioner's Claim Of Status, (2) Request For Judicial Determination In Propria Persona Vs. Pro Se and (3) Objection To Proposed Order Presented By Respondent.

March 11, 1993 Superior Court Judge Thibodeau signed the order presented by Respondent in chambers (although it says "DONE IN OPEN COURT"), sending his law clerk into the courtroom to deny Petitioner's requests to be heard.

March 15, 1993 Superior Court Judge Thibodeau consolidated Petitioner's two requests and one objection into one "motion for reconsideration" and denied it.

April 1, 1993 Petitioner filed Motion for Discretionary Review in Division 1 Court of Appeals for Washington State.

April 6, 1993 Respondent responded to Petitioner's Motion, in writing, declining to appear for argument.

May 21, 1993 Petitioner appeared, unchallenged, in Division 1 Court of Appeals for Washington State for oral argument.

June 7, 1993 Discretionary review was denied by Division 1 Court of Appeals by a Washington State Commissioner.

June 15, 1993 Petitioner filed a Motion to Modify Commissioner's ruling which was denied by Division 1 Court of Appeals for Washington State July 26, 1993.

September 20, 1993 Petitioner filed a Motion for Discretionary Review in Washington State Supreme Court which was denied by a Commissioner November 8, 1993.

November 16, 1993 Petitioner filed a Motion to Modify Commissioner's ruling which was denied by the Supreme Court of Washington State January 5, 1994.

REASONS FOR GRANTING

Superior Court misconstrued the case by basing judgement on a presumed constitutional challenge to the statutes

involved, rather than Petitioner's jurisdictional challenge based upon status of the Petitioner, and did not deal with the issues of the complaint. Petitioner moved for reconsideration which was denied. Thus, due process of law has not been accorded.

In short, the case has not been settled, because none of the State courts have dealt with the basic point at issue.

"The Due Process Clause assumes a full hearing before the court or other tribunal empowered to perform the judicial function involved. That includes the right to introduce evidence and to have judicial findings based upon it. [12 citations omitted here. Emphasis added.] *Baltimore & O. R. Co.v United States,* 298 US 349, 368-69 (1936).

"The hearing required by due process must be 'meaningful.' *Armstrong v Manzo, 380 US 545, 552 (1965),* and appropriate to the nature of the case. *Mullane v Central Hanover Bank & Tr. Co.* [339 US 306] at 313. It is a proposition which hardly seems to need explication that a hearing which excludes consideration of an element essential to the decision ... does not meet this standard." *Bell v Burson,* 402 US 535,542 (1971).

" ... [T]he rule that no one shall be personally bound until he has had his day in court was as old as the law, and it

meant that he must be cited to appear and afforded an opportunity to be heard. 'Judgement without such citation and opportunity wants all the attributes of a judicial determination; it is judicial usurpation and oppression, and never can be upheld where justice is justly administrated.' Citations to the same effect might be indefinitely multiplied, but there is no occasion for doing so." *Powell v Alabama,* 287 US 45,68 (1932).

It is also pertinent to this issue to note that the relief sought was misconstrued by the court. Petitioner did not seek to challenge "the constutionality of statutes " or "request dismissal of charges due to procedural errors" but instead to show that the statutes do not apply to him and that the "procedural errors" were perpetrated to attach jurisdiction to the Petitioner. Denial of review by higher courts have prevented Petitioner from having the record corrected, not only for this error but for other errors based on unfounded presumptions which would have been refuted by documentation.

The Memorandum Decision rendered February 22, 1993 by Superior Court Judge Joseph Thibodeau, when reviewed by this court, will reveal the intent of Superior Court to circumvent Petitioner's argument so as to be able

to evade Petitioner's entire point which is, exclusively, his status in the common law, equity law and/or admiralty law.

Petitioner's argument remains, as from the beginning, that the requirement for registration of his car and licensing him as a driver is solely for the purpose of control and identification by government and is resisted because of Petitioner's status. Properly applied, licensing would be allowed ***only after*** a showing of endangerment to the life, liberty and/or property of another in the common law, a showing of commercial activity under the Uniform Commercial Code (Equity) or full implementation of Admiralty jurisdiction as though the parties were at sea (Maritime).

Petitioner's position is based upon restriction on any usurpation by government of the people's right to freedom of religion specified in the First Article of the Bill of Rights.

This Petition for Certiorari is in the form of "Redress of Grievance" described and guaranteed in the First Article of

the Bill of Rights. The grievance being that Petitioner has been denied due process of law because District Court: (1) commenced trial action without showing in personam jurisdiction, which Petitioner challenged from the beginning and (2) refused to bring Petitioner before the court properly according to the Rules of Court.

Petitioner petitions this court with the understanding that it is an Article III court, with Article III Justices and proceedings according to Article III of the U.S. Constitution, its provisions and the common law. Petitioner's defense in this case is a clear challenge to Jurisdiction. Petitioner has maintained from the very beginning that there is no jurisdiction over him by the Corporate form of Government. Petitioner is a non-resident alien to that form of Government. Petitioner is a Son of the Republic of the Union of the states of America.

A review of this case will show Petitioner is simply claiming his car is his private property, and unless Petitioner uses it in commerce or voluntarily seeks the assistance of the Corporate government regarding it, there

is no jurisdiction over his use of it.

RCW 46.20.420 (Appendix Exhibit C) refers to "any resident" or "non resident". it further describes *"License,* **OR** *Right,* **OR** *Privilege"* with regard to their suspension or revocation. This clearly indicates there exists three classifications : **RIGHT, or LICENSE, or PRIVILEGE.**

Beginning in 1956 Petitioner has driven various motor vehicles which were registered and insured and with a driver's license issued by the states of Tennessee, Idaho, Washington, Mississippi, North Carolina, and Montana. Most of those 35 years Petitioner was employed as a salesman and used those vehicles in his work. All that driving was done without incident, and/or a bad driving record. Petitioner's last state issued driver's license (Montana) expired in September, 1991.

Since January 1990 Petitioner has only used his automobile for pleasure since Petitioner works at his home. It is his desire to use his car as a **RIGHT** as opposed to license or privilege. Petitioner's research has led him to

understand that the privilege referred to is relative to commerce, which is regulated by the corporate state. Properly applied, in the common law, licensing would only be employed, as a way of allowing the otherwise unlawful activity to continue, after the **right** to freely use an automobile in accordance with the rules of the road has been abused, and so proven in court.

Between 1960 and 1975 Petitioner was licensed to sell insurance by the states of Tennessee, Idaho, Washington, Mississippi and Arkansas. Therefore, Petitioner is familiar with insurance and its application. Petitioner submits that; in common law, in this country, it is not proper to require a contract of insurance without first showing financial **irresponsibility**, at the common law, **or** through contractual procedure at equity or admiralty.

A review of this case will show both District Court Judge Kelly and Superior Court Judge Thibodeau, are working under a misconception perpetrated by Petitioner's adversary in this case. When Petitioner's status, in relation to corporate government is considered, **in law**, there is no

jurisdiction over Petitioner as an individual and the government knows that, so jurisdiction had to be gained by unlawful acts by the court to entice Petitioner to admit the jurisdiction.

Consequently, the Court Clerk neglected to comply with CrRLJ 2.2 (b) (4), (Exhibit D) and refused to use the authority of CrRLJ 2.2 (f) (1) (Exhibit E) to correct the defective summons, which would have allowed Petitioner to appear lawfully, in Propria Persona, and to challenge jurisdiction. For Petitioner to appear in response to a defective summons would be a voluntary appearance in due process and acquiesce to the jurisdiction.

Upon review, the records will show **prevarications** by the District court employees, jail personnel, and both the District, and Superior Court Judges. One expects the prosecutor to show the defendant at his worst, but one does not expect the court to employ inappropriate methods and misleading statements.

Superior Court Judge Thibodeau stated that the Petitioner

challenged the Constitutionality of the statutes Petitioner was charged with violating, which is wrong. Petitioner never made that challenge. Petitioner simply said they could not be constitutionally applied to Petitioner because of Petitioner's status relative to the Corporate State.

Judge Thibodeau stated Petitioner "effectively waived any objection" to Petitioner's arraignment. When, in fact, Petitioner clearly objected three separate times in the two minutes and eleven seconds duration of that hearing.

Judge Thibodeau stated that the Petitioner made an **unsubstantiated** claim that the Petitioner was not shown the warrant at the place of incarceration. (See RCW 10.31.030 Appendix B). Properly, Petitioner's claim should be rebutted; not to require, or expect, Petitioner to prove a negative, which is impossible.

Judge Thibodeau refused to allow Petitioner's use of "in Propria Persona". Petitioner claims the judge did that to negate Petitioner's challenge to the jurisdiction and to force Petitioner into the position of "Pro Se" i.e.

representing himself, making Petitioner his own attorney and thereby admitting the jurisdiction as an officer of the court. (See "In Propria Persona" Blacks Law Dictionary 6th Ed. p. 792.) (Appendix Exhibit G) The designation "Pro Se" is a latter day construction used to defeat those who choose to appear in their own proper person to challenge jurisdiction and/or with **assistance** of counsel, as described in Article VI of the Bill of Rights, rather than by attorney.

A review of this case will show a consistent prejudice by the courts to avoid addressing the status of Petitioner. Respondent has countered Petitioner's arguments with written and verbal gymnastics in an effort to **rearrange** Petitioner's presentation which is to be expected. But when this tactic is **condoned** and utilized by the court itself, it becomes untenable.

Petitioner became aware of the possibility of some change in our government ten years ago when Petitioner read the Constitution for the United States for the first time as an adult. Many books and lots of study time later, Petitioner identified the Democracy **"IN THE MAKING"** through a

college textbook in early 1987. This democracy emerged from the U.S. Constitution, Article 1 Section 8 Clause 17, and has grown in power, during this century primarily.

Petitioner's first public move to return to the Republic our forefathers gave us was in 1985, with an Affidavit of Revocation of Petitioner's signature and any use of it to bring Petitioner into the democracy. In 1990 Petitioner issued "My Declaration of Sovereignty", revoked the registration of Petitioner's birth, revoked Petitioner's participation in the Social Security System, and rejected all licenses and registration. In 1992 Petitioner filed an Oath of Allegiance to Washington State Republic. In 1993 Petitioner published his "Declaration of Independence" from the democracy and declared his intention to live in the Republic.

All this has been briefed and presented to Snohomish County District, and Superior Courts as well as both State Appeal Courts, but none have addressed the issue of Petitioner's status and/or Petitioner's challenge to the jurisdiction. <u>The matter of jurisdiction must be settled</u>

before District Court can move forward with this case. That matter must be settled at the U.S. Supreme Court level because of the refusal of Washington State Courts to address the issue. Dismissal was grounded on a type of premise, which at the courts discretion, could be adapted for use in virtually any circumstance for disposing of a case whose issues the court might wish to avoid. Issues which might be embarrassing to government but protective of constitutionally secured personal rights are particularly vulnerable to such abuse. The practice is also repugnant to the American standard of justice. It is imperative, therefore, that the dismissal of cases without full hearing on all the evidence and merits not be allowed to prevail for less than extraordinarily commanding reasons. Thus, protection of the public interest and personal rights is the prime motivator of this Petition for Certiorari. Petitioner asks this case be accepted for review, by the Supreme Court in its complete and proper function, according to Article III, of the Constitution for the United States. Petitioner is working hard to maintain some faith in the judicial system and a government by law, rather than men. Petitioner fully invokes the declaratory and restrictive

clauses known as the Bill of Rights and Article 1 of the Washington State Constitution against any misconstruction or abuse by government, at any level, of its constitutionally delegated powers.

CONCLUSION

The foregoing statements and arguments should make clear the following salient points:

1. Petitioner has not been afforded due process of law because the basis Petitioner believes exempts him from prosecution in this case have not been addressed.

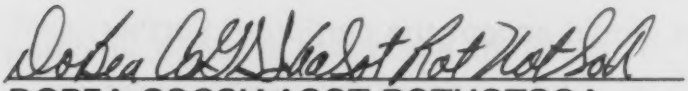
2. Petitioner is correct in his position, evidenced by the fact that the issue has been circumvented by the single review court that would accept the certiorari. Further, said court would not allow reconsideration which would have allowed Petitioner to correct the misconceptions of fact and law as entered by Superior Court.

For the foregoing reasons the Petitioner prays to the

Supreme Creator for this Supreme Court to exercise its power of supervision, thereby ruling on the status of the Petitioner relative to the corporate state and its statutes, and to remand this case to Everett District Court for abatement of the action for lack of in personam jurisdiction, or for hearings consistent with due process of law and the generally established practice of American jurisprudence.

Respectfully submitted the 23rd day of February in the year of our Lord 1994, and resubmitted after corrections mandated by (Mrs.) Loretta S. Ruffin, Assistant Clerk, this 23rd day of May in the year of our Lord 1994.

Without Prejudice UCC 1-207 / RCW 62A 1-207



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APPENDIX

MEMORANDUM DECISION ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,EXHIBIT A

RCW 10.31.030 .....EXHIBIT B

RCW 46.20.420 .....EXHIBIT C

CrRLJ 2.2 (b) (4) .....EXHIBIT D

CrRLJ 2.2 (f) (1).....EXHIBIT E

ORDER - WASH. SUPREME COURT .....EXHIBIT F & G

ORDER - WASH. COURT OF APPEALS.....EXHIBIT H & I

BLACKS LAW DICTIONARY Page 792 .....EXHIBIT J

IN THE SUPERIOR COURT OF THE STATE OF

WASHINGTON FOR SNOHOMISH COUNTY

DOBEA ROTUOTSOA Petitioner, Vs. CITY OF MUKILTEO Respondent.	))))))))	 No. 92-2-04456-9 MEMORANDUM DECISION

Petitioner Rotuotsoa was charged in Everett District Court with driving without an operator's license, failing to register his vehicle in this state, and failing to provide proof of financial responsibility. Prior to trial, petitioner filed a writ seeking review of the trial court's denial of his motion to dismiss the charges. Petitioner challenges various procedures[1] of the Everett District

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[1]Petitioner makes the following procedural Challenges:

(1) That the summons was defective because it was not personally signed by the Clerk of the Court;

Court and the constitutionality of the statutes he is charged with violating. Petitioner's procedural challenges are not meritorious. Initially, this court holds that the summons which petitioner received complies with the requirements of CrRLJ 2.2(b)(4). Ms. Eaden's typewritten name on the summons provides the recipient with a person to which questions may be directed. Given the large number of summons issued by the Everett District Court, it is unreasonable to read the court rule as requiring the Court Clerk's personal signature on each. Notably, even if this court were to find the summons defective, charges against petitioner would not be dismissed. Instead, under CrRLJ 2.2(f)(1) the summons could be amended to remedy any irregularity.

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[1](2) that his arrest, following his failure to appear, was illegal because he was not shown the warrant;

Similarily, this court rejects petitioner's challenge to his arrest. Even if petitioner could provide sufficient evidence to support a finding that his rights under RCW 10.31.030[2] were violated, this court would not dismiss the charges. The proper remedy for an illegal arrest is supression of any evidence gathered as a result of that arrest. Since the challenged arrest was pursuant to a bench warrant for his failure to appear on these charges, there is no relevant evidence to suppress.

This court also rejects petitioner's challenge to his arraignment. The purpose of arraignment is two fold. First the court informs the defendant of the charges and advises him or her of various rights. Second the defendant is allowed to enter a plea to

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[1](3) that his arraignment was illegal; and

(4) that his rights under the speedy trial rule were violated.

the charge.

The purpose of the arraignment proceeding was fulfilled in this case. The entire record shows that the defendant was well aware of the substance of the charges against him and of his various rights. Similarily, because the District Court Judge entered a not guilty plea on defendant's behalf, there was no prejudice to defendant from the court's failure to receive a formal plea from the defendant. Equally important, the trenscript of defendant's arraignment shows that he obstructed the prodeeding and caused any deficiency which may have occurred. Accordingly, although this court does not find that the arraignment was flawed, the defendant

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[2]Petitioner has only made unsubstantiated allegations that he did not see the arrest warrant. He has provided no testimony or affidavits of the police officers, jail personnel, or any other witness Involved.

effectively waived any objection.

Petitioner's final procedural challenge, that his speedy trial ruke rights were violated, is also without merit. Originally, the trial was set for July 6, 1992. At the prosecutor's motion, on July 1, the court properly continued the trial so that a police officer could testify. The record indicates that petitioner did not object to the continuance at that time. Furthermore, petitioner failed to note a motion so that his belated objection to the new trial date could be heard. Per CrRLJ 3.3(f)(1) this failure constitutes a waiver of defendant's objection to the trial date.

Petitioner's numerous challenges to the constitutionality of the statutes under which he is charged are also without merit. Although, as petitoner asserts, there is a constitutional right to intrastate travel, see, e.g., Eggert v. Seattle, 81 Wn. 2d 840, 505 P.2d 801 (1973); Spokane v. Port, 43

Wn.App. 273, 716 P.2d 945 (1986), he vastly overstates its scope. Most importantly, there is no absolute right to a particular mode or method of travel. State v Scheffel, 82 Wn.2d 880, 514 P.2d 1052 (1973), appeal dismissed, 416 U.S. 964 (1974); Port, Supra; see also Crossman v. Department of licensing, 42 Wn.App. 325 (1985) (privilege to drive is not a fundamental right). Therefore, so long as the State complies with substantive due process, it may regulate or control the manner in which the right to travel is exercised. See Scheffel, supra. Substantive due process requires only that the regulation is rationally related to advancing the public health, safety or welfare. E.g. Scheffel, supra.

Despite petitioner's vehement assertions to the contrary, this court holds that each of the challenged statutes rationally advances

public health, safety and welfare. Operator licensing ensures that drivers on the public roadways are at least minimally competent. Vehicle registration requirements, among other things, provide funds for road maintenance, a method to track stolen vehicles, and a means to ensure mechanical fitness. Financial responsibility requirements ensure that the inevitable victims of car accidents are adequately reimbursed for personal and property damage. Thus, each of the statutes petitioner is charged with violating are constitional. Consequently petitioner's writ is dismissed and the case is remanded to the Everett District Court for trial.[3]

DONE IN OPEN COURT this 22nd day of February, 1993.

Joseph A. Thibodeau, Judge

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[3]In the future petitioner should be aware that a writ of *certiorari* is not the proper method to obtain Superior Court review of an

[3]interlocutory order of the District or municipal Court. Petitioner could have raised on appeal all of the issues he has raised in this petition. Thus, petitioner has had adequate remedy at law and, in this court's view, a writ of *certiorari* to review an interlocutory order was inappropriate. Alder v. Issaquah District Court, 35 Wn.App. 590, 591, 668 P.2d 609 (1983).

Title 10 RCW: Criminal Procedure

Chapter 10.31

WARRANTS AND ARRESTS

10.31.030 Service----How----Warrant not in possession, procedure----Bail. The officer making an arrest must inform the defendant that he acts under authority of a warrant, and must also show the warrant: *Provided*, That if the officer does not have the warrant in his possession at the time of arrest he shall declare that the warrant does presently exist and will be shown to the defendant as soon as possible on arrival at the place of intended confinement: *Provided, further,* That any officer making an arrest under this section shall, if the person arrested wishes to deposit bail, take such person directly and without delay before a judge or brfore an officer authorized to take the recognizance and justify and approve the bail, including the deposit of a sum of money equal to bail. Bail shall be the amount fixed by the warrant. ....

EXHIBIT B

Title 46 RCW: Motor Vehicles

46.20.420 Operation of motor vehicle under other license or permit prohibited while license is suspended or revoked. Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issed by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. ...

EXHIBIT C

WASHINGTON RULES OF COURT

Rule 2.2

Warrant of Arrest or Summons Upon Complaint

(b) Issuance of Summons in Lieu of Warrant.

(4) *Summons*. A summons shall be in writing and in the name of the charging jurisdiction, shall be signed by the clerk with the title of that office, and shall state the date when issued. ....

EXHIBIT D

WASHINGTON RULES OF COURT

Rule 2.2

Warrant of Arrest or Summons Upon Complaint

(f) Defective Warrant or Summons.

(1) *Amendment*. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any irregularity.

EXHIBIT E

THE SUPREME COURT OF WASHINGTON

CITY OF MUKILTEO Respondent, V. DOBEA COGSIAASOT ROTUOTSOA Petitioner.	)	NO. 60783-4 ORDER C/A No. 32452-7-1

This matter came before Department I of the court on its January 5, 1994, Motion Calendar on Petitioner's Motion to Modify Commissioner's Ruling. The Court having considered the motion and the files herein and the five members of the Department having unanimously agreed;

Now, therefore, it is hereby

ORDERED:

That Petitioner's Motion to Modify Commissioner's Ruling is denied.

DATED at Olympia, Washington this 5th day of January, 1994.

James A Andersen, CHIEF JUSTICE

EXHIBIT F

THE SUPREME COURT OF WASHINGTON

CITY OF MUKILTEO Respondent, V. DOBEA COGSIAASOT ROTUOTSOA Petitioner.	)	NO. 60783-4 RULING DENYING MOTION FOR DISCRETIONARY REVIEW

Dobea Rotuotsoa was charged in Everett District Court with driving without an operator's license, failing to register his vehicle, and failing to provide proof of financial responsibility. Prior to trial on those charges, he sought review in the Superior Court of various challenges he had raised to the District Court's Jurisdiction. The Superior Court, in an extensive memorandum opinion, declined to afford interlocutory review. The Court of Appeals then denied Mr. Rotuotsoa's motion for discretionary review of

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION ONE

DOBEA COGSIAASOT ROTUOTSOA, Petitioner,	)	No. 32452-7-I
V.	)	COMMISSIONER'S RULING DENYING DISCRETIONARY REVIEW
CITY OF MUKILTEO, Respondent.	)	

Dobea Rotuotsoa seeks discretionary review of an order quashing a writ and remanding his case to the district court for trial. Review is denied.

Rotuotsoa was charged in Everett District Court with driving without an operator's license, failing to register his vehicle with the state, and failing to provide proof of financial responsibility. Prior to trial, Rotuotsoa filed a writ seeking review of the trial court's denial of his motion to dismiss the charges. Rotuotsoa challenged various procedures used by the Everett District Court

and alleged that the court does not have personal jurisdiction over him. Each challenge was rejected by the superior court in a memorandum decision and Rotuotsoa now seeks review in this court.

Discretionary review is appropriate only:

(1) If the decision of the superior court is in conflict with a decision of the Court of Appeals or the Supreme Court; or

(2) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(3) If the decision involves an issue of public interest which should be determined by an appellate court; or

(4) If the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by the court of k=limited jurisdiction, as to call for review by the appellate court.

RAP 2.3(d).

The superior court noted in its memorandum decision that a writ of certiorari was not the proper method to obtain superiror court review of an interlocutory order of the municipal court. If Rotuotsoa was improperly before the superior court, he could not be properly before this court for discretionary review pursuant to RAP 2.3(d).

In ***Seattle v. Williams,***101 Wn.2d 445,680 P.2d 1051 (1984), the court addressed the grounds for issuance of a statutory writ as a method of review of an interlocutory decision. The court adopted guidelines from ***State v. Harris***, 2 Wn. App. 272, 280-81, 469 P.2d 937 (1970), ***reversed on other grounds,*** 78 Wn.2d 894, 480 P.2d 484, ***reinstated***, 404 U.S. 55 (1971). Rotuotsoa is entitled to a writ only if his remedy by appeal is inadequate because it appears inequitable to require him to proceed through a trial after which there would be an unquestioned reversal and

termination of the entire litigation. The essence of Rotuotsoa's challenge is that he is not required to have a driver's license, not required to license his car, and not required to provide proof of insurance because he is a "Son of the Republic of the Union of the States of America" and a nonresident akien to the corporate form of government embodied by the state of Washington. This status is apparently based on Rotuotsoa's affidavit of revocation of his signature, a declaration of sovereignty, a revacation of his birth registration, a revocation of his participation in the social security system, and a rejection of all licenses and registration. It is apparently also related to Rotuotsoa's declaration of independence from the democracy.

It is by no means clear that Rotuotoa's contentions will result in an unquestioned reversal and termination of the entire litigation. Rotuotsoa provides little or no

support for the contention that he can, by his unilateral actions, remove himself from the jurisdiction of the state. Insofar as his srguments depend on his contention that he has a natural or inalienable right to travel which includes the right to drive a vehicle, such arguments have been consistently rejected by the courts of this state. ***See State v Clifford,*** 57 Wn. App. 127,787, P.2d 945, ***review denied,*** 114 Wn.2d 1025 (1990); ***Spokane v. Port,*** 43 Wn. App. 273, 716 P.2d 945, ***review denied,*** 106 Wn.2d 1010 (1986). Because Rotuotsoa has not ahown that a writ of certiorari is the proper procedure for seeking interlocutory review of this decision of the Everett District Court, he is not entitled to such a writ in the superior court and is not entitled to review of the denial of such a writ under RAP 2.3(d). ***Alter v. Issaquah Dist. Court,*** 35 Wn. App. 590, 591, 668 P.2d 609, ***review denied,*** 100 Wn.2d 1030 (1983).[1]

Even if Rotuotsoa's contentions are

considered, he presents no argument which would justify discretionary review. Rotuotsoa seeks dismissal of the prosecution against him because of procedural deficiencies and because of his jurisdiction argument. The jurisdiction argument is not well developed and virtually unsupported by authority. The superior court correctly held that the procedural deficiencies, even if substantiated, would not warrant dismissal of the charges. Rotuotsoa has not shown how this decision is erroneous or in any way conflicts with an appellate court decision, infringes upon his constitutional rights, or raises a question of public interest. Accordingly, review is not

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[1]This is not to say that the arguments can never be addressed, only that review is, at this point, not appropriate.

Now, therefore, it is hereby

ORDERED that discretionary review is denied.

Done this 7th day of June, 1993.

William H. Ellis
Court Commissioner

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION ONE

DOBEA COGSIAASOT ROTUOTSOA, Petitioner, V. CITY OF MUKILTEO, Respondent.	)	No. 32452-7-I ORDER DENYING MOTION TO MODIFY

Dobea Rotuotsoa filed a motion to modify the commissioner's ruling denying discretionary review. A Panel of this court has considered the matter pursuant to RAP 17.7 and has determined that the motion should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

Done this 26th day of July, 1993.

Webster, C.J.

Pekelis, A.C.J.

Ferrat, J.

EXHIBIT I

Black's Law Dictionary

Sixth Edition

Page 792

In propria persona. In one's own proper person. It was formerly a rule in pleading that pleas to the jurisdiction of the court must be plead *in propria persona,* because if pleaded by attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave, which admits the jurisdiction. *See* **Pro se.**

EXHIBIT J